SECTION 15. WORK SCHEDULES, ATTENDANCE, HOURS OF WORK

15-1. Definitions.

- (a) **Compressed work schedule:** An alternate work schedule that allows an employee to work 80 hours in 9 days with the following fixed schedule:
 - (1) 8 days at 9 hours a day; and
 - (2) 1 day at 8 hours a day.
- (b) **Core hours:** The established hours in a workday that an employee on a flexible work schedule must work. Core hours are established by the department director.
- (c) **Flex hours:** The remaining hours in the work schedule that are not core hours for an employee on a flexible work schedule. These hours may be different from the hours worked by other employees in the work unit or the employee's supervisor may allow the employee to vary the times when these hours are worked from day to day or week to week.
- (d) **Flextime.** A work schedule that requires an employee to work during established core hours but allows the employee to work the remaining hours on a flexible basis.
- (e) **Job Sharing:** A work arrangement in which 2 employees, each working part-time, equally share the duties, responsibilities, and hours of one full-time position.
- (f) **Modified liberal leave:** A period declared by the County Executive or CAO in a non-emergency situation, during which a department director should allow as many employees as possible to take leave, after ensuring in advance that minimum staffing requirements are met.
- (g) **Severe weather:** An occurrence of atmospheric conditions that lead to unpleasant, dangerous, or destructive environmental conditions such as:
 - (1) extreme temperatures;
 - (2) heavy rain, snow, or ice;
 - (3) violent winds;
 - (4) flooding; or
 - (5) tornados, hurricanes, or other violent storms.

15-2. Work schedules.

- (a) **Basic work hours.** The CAO must establish the basic work hours of the County Government.
- (b) **Work schedule records.** A department director must maintain current work schedule records for employee groups in the department.

(c) **Authority to change work schedule.** A supervisor may change the work schedule of an employee who reports to the supervisor. However, an employee must request a compressed work schedule, flextime, or job sharing arrangement under Section 15-4(b) or (c), as appropriate, and only the department director may approve an agreement to change to one of these types of alternate work schedules.

15-3. Workday and workweek.

(a) Normal workday.

- (1) The normal workday for a full-time County employee is not less than 8 hours or more than 12 hours, except for a uniformed fire/rescue employee.
- (2) The normal workday for a full-time uniformed fire/rescue employee is not less than 8 hours or more than 24 hours.

(b) Normal workweek.

- (1) The normal workweek for a full-time County employee is 40 hours worked between 12:00 a.m. Sunday to 11:59 p.m. Saturday.
- (2) The CAO may approve a 40-hour workweek based on a different period of 7 consecutive days.
- (3) The CAO must establish the normal workweek for uniformed fire/rescue employees
- (c) **Days off.** A department director should grant an employee 2 consecutive days off in each workweek, subject to operational needs.

(d) Workweek for MLS employees.

- (1) An employee assigned to an MLS position is expected to work the hours required to complete assigned work, but not less than 80 hours per pay period for a full-time employee, or the regularly scheduled number of hours in a part-time employee's pay period.
- (2) If an employee in an MLS position works more than half of the employee's regularly scheduled workday, the employee's supervisor may grant administrative leave to the employee for the remainder of the work day.
- (3) The department director may grant administrative leave for more than half of a regularly scheduled work day to an MLS employee who has worked an unusually large number of hours in the same or any previous pay period.

(e) Alteration to normal workweek.

- (1) An employee may request a reasonable alteration to the employee's normally scheduled workday or workweek. An employee must request an alternate work schedule for religious observance under Section 15-4(a), a compressed work schedule or flextime under Section 15-4(b), or a job sharing arrangement under Section 15-4(c).
- (2) A supervisor may grant an employee's request for a short-term alteration to the regular workday or workweek on an hour-for-hour basis, but must not pay overtime to the employee unless overtime pay is required under the FLSA.

15-4. Alternate work schedules.

- (a) Alternate work schedules for religious observance.
 - (1) Policy on alternate schedule for religious observance.
 - (A) A supervisor must allow an employee to use leave, work an alternate schedule to make up for time taken off for religious observance, or to do both, unless granting the employee's request would impose an undue hardship on the work unit.
 - (B) Allowing an employee to work an alternate work schedule would be an undue hardship if it would:
 - (i) cause the work unit to incur additional costs;
 - (ii) jeopardize the health and safety of others;
 - (iii) reduce minimum service levels;
 - (iv) be difficult or impossible for the employee to perform useful work at the same level in an alternate work schedule; or
 - (v) cause other problems of a similar nature.
 - (C) An employee who is allowed to work an alternate schedule must:
 - (i) work at times when the employee is not usually scheduled to work;
 - (ii) work an equal period of time to the time taken off for religious observance; and

(iii) perform work at the same level as the work normally performed by the employee.

(2) Procedure for establishing an alternate work schedule.

- (A) An employee must submit a written request to the employee's supervisor at least 10 working days before the first absence for religious observance or the first date on which the employee proposes to work alternate hours to make up for time off. The written request must include the following information:
 - (i) purpose of requested time off;
 - (ii) requested dates of absence for religious observance; and
 - (iii) the total period of absence on each date.
- (B) A supervisor must respond to the employee's request within 5 working days of the date it is received. A supervisor's initial response may be a reasonable request for additional information. If the supervisor denies the employee's request, the supervisor must give the employee a written response.

(3) Requirements for an alternate work schedule for religious observance.

- (A) **For a non-exempt employee.** A non-exempt employee who is absent from work for religious observance must work additional hours during the same workweek to equal the amount of time taken off for religious reasons.
- (B) **For an exempt employee.** An exempt employee may work additional hours for compensatory time in order to use the earned compensatory time to cover work absences for religious observance. The compensatory time may be earned before, after, or both before and after the absence for religious observance but must be earned over no more than 8 pay periods.
 - (i) An exempt employee below grade 25 must earn compensatory time for this purpose at the employee's regular (straight time) salary rate.
 - (ii) An exempt employee at grade 25 or above will begin to earn compensatory time for this purpose after 40 hours in a pay status or immediately after completing the normal workweek.

(4) Appeal of denial of request for alternate work schedule for religious observance.

- (A) An employee with merit system status may file a grievance under Section 34 of these Regulations if the employee's supervisor denies the employee's request for an alternate work schedule for religious observance.
- (B) An employee may file an EEO complaint under the process described in Section 5-4 of these Regulations. Under Section 27-21 of the County Code, an employee who files a complaint with the Montgomery County Human Relations Commission over a denial of a request for alternate work schedule for religious observance may not file a grievance on the same issue under Section 34 of these Regulations.
- (b) **Compressed work schedule and flextime.** A compressed work schedule and flextime are types of alternate work schedules that are intended to enable employees to better balance their work lives and personal lives.

(1) Requirements for employees on compressed work schedules.

- (A) An employee on a compressed work schedule must work one of the following 4 established compressed work schedules:
 - (i) Schedule A, from 12:01 p.m. Monday through 12:00 noon Monday, with the first Monday off during the two-week pay period;
 - (ii) Schedule B, from 12:01 p.m. Monday through 12:00 noon Monday, with the second Monday off during the two-week pay period;
 - (iii) Schedule C, from 12:01 p.m. Friday through 12:00 noon Friday, with the first Friday off during the two-week pay period; or
 - (iv) Schedule D, from 12:01 p.m. Friday through 12:00 noon Friday, with the second Friday off during the two-week pay period.
- (B) An employee must work the scheduled number of hours each day as required by the fixed schedule.
- (C) On the 8-hour Monday or Friday, an employee must work 4 hours before 12:00 noon and 4 hours after 12:00 noon in order to avoid creating overtime liability for the County. This is because, for compressed work schedules A and D, the 8-hour Monday or Friday

- is split between 2 workweeks and hours worked before 12:00 noon are in one workweek while hours worked after 12:00 noon are in the next workweek. On compressed work schedules B and C, the hours on the 8-hour day are split between 2 different pay periods.
- (D) An employee must adhere to the schedule on the 8 hour day and must not change the 8-hour day to another day during the pay period.
- (E) If an employee uses annual or sick leave for the entire day on a day on which the employee is scheduled to work 9 hours, the employee must record 9 hours of annual or sick leave on the timesheet for that day. Similarly, an employee must record 8 hours of leave on the timesheet for a day on which the employee is scheduled to work 8 hours.
- (2) Holidays for employees on compressed work schedules. If a holiday falls on an employee's regularly scheduled day off, a department director should schedule an alternative day off for the employee in the pay period in which the holiday falls instead of compensating the employee with compensatory time. A department director must give the employee 9 hours of compensatory time if the employee does not have an alternate day off in the pay period.
- (3) **Requirements for flextime.** An employee who works a flextime work schedule must work the required number of hours every day, including:
 - (A) the established core hours; and
 - (B) the remaining flex hours.
- (4) **Eligibility for compressed work schedule or flextime.** A full-time employee may work a compressed schedule or flextime if the employee's supervisor and department director approve the employee's request.
- (5) Effect of compressed work schedule or flextime on an employee's compensation and job duties.
 - (A) A compressed work schedule or flextime does not affect an employee's salary, benefits, or job duties and responsibilities.
 - (B) A department director must not pay overtime compensation to an employee solely because the employee works a compressed work schedule or flextime. However, an employee who works a compressed work schedule or flextime is eligible for overtime compensation under Section 10 of these Regulations.

- (C) If a supervisor approves flextime for an employee on a compressed work schedule, the supervisor must ensure that the flextime does not cause the employee to work more than 40 hours in a workweek.
- (6) Requesting a compressed work schedule or flextime.
 - (A) An employee who is interested in working a compressed work schedule must submit a completed *Compressed Work Schedule Agreement* (Appendix H) to the employee's supervisor. The employee must specify either a Monday or Friday as the fixed day off in each pay period.
 - (B) An employee who is interested in working flextime must submit a completed *Flextime Agreement* (Appendix I) to the employee's supervisor. The employee must specify the core hours to be worked and the manner of scheduling flex hours.

(7) Review of employee request for compressed work schedule or flextime.

- (A) The supervisor must review the form submitted by the employee and meet with the employee to discuss the request.
- (B) The supervisor should suggest to the employee any adjustments to the schedule necessary to maintain the effectiveness of the work unit.
- (C) If the supervisor agrees with the terms of the request as stated in the form, the supervisor and employee must sign the form and forward it to the department director.
- (D) If the supervisor and employee do not agree to the terms stated on the form, the supervisor must forward a copy of the form and a summary of the points on which the supervisor and employee agreed and disagreed to the department director.
- (E) The department director must review the form and:
 - (i) approve it;
 - (ii) disapprove it; or
 - (iii) suggest changes in the terms for consideration by the employee and the supervisor to help them reach agreement on the alternate work schedule.

- **(F)** A department director must review an employee's request for a compressed work schedule or flextime under the following criteria:
 - operational requirements must be met; (i)
 - (ii) service to clients or the public must be maintained or improved;
 - (iii) costs to the County must not increase;
 - (iv) each office or operation must have enough staff on duty during the normal period of public service, and
 - (v) the schedule must not diminish the ability of the department to assign responsibility and accountability to the employee for providing County services and performing the employee's official duties.
- (G) The department director must give a copy of the approved or disapproved form to the employee, ensure that a copy is placed in the employee's department operating file, and send a copy to the OHR Director. If the request is not approved, the department director must give the employee the reason for not approving the request. The department director's decision is final.

(8) Transition to a compressed work schedule.

- (A) An employee must change to a compressed work schedule at the start of a pay period.
- (B) An employee who changes to a compressed work schedule no longer has a Sunday to Saturday workweek and must work a special transition work schedule during the first pay period of the compressed work schedule.
- (C) An employee changing to compressed work schedule A will have a Monday to Monday workweek and must work the following transition schedule.
 - (i) during the 1st week, takes Monday off and works 9 hours each day on Tuesday through Friday;
 - works 8 hours on Monday (4 hours in the 1st week and 4 (ii) hours in the 2nd week); and
 - during the 2nd week, works 9 hours each day on Tuesday (iii) through Friday.

- (D) An employee changing to compressed work schedule B will have a Monday to Monday workweek and must work the following transition schedule:
 - (i) during the 1st week, takes Monday off and works 10 hours each day on Tuesday through Friday or, with the supervisor's approval, works 8 or 9 hours each day on Tuesday through Friday and uses one or 2 hours of annual leave or compensatory time each day as appropriate to total 10 hours each day;
 - (ii) during the 2nd week, takes Monday off and works 9 hours each day on Tuesday through Friday;
 - (iii) during the 3rd week, works 8 hours on the 1st Monday in the pay period (4 hours in the preceding pay period and 4 hours in the current pay period) and works 9 hours each day on Tuesday through Friday; and
 - (iv) during the 4th week, takes Monday off and works 9 hours each day on Tuesday through Friday.
- (E) An employee changing to compressed work schedule C will have a Friday to Friday workweek and must work the following transition schedule:
 - (i) during the 1st week, works 10 hours each day on Monday through Thursday and takes Friday off or, with the supervisor's approval, works 8 or 9 hours each day on Monday through Thursday and uses one or 2 hours of annual leave or compensatory time each day as appropriate to total 10 hours each day; and
 - (ii) during the 2nd week, works 9 hours each day on Monday through Thursday and works 8 hours on Friday (4 hours in the current pay period and 4 hours in the next pay period).
- (F) An employee changing to compressed work schedule D will have a Friday to Friday workweek and must work the following transition schedule:
 - (i) during the 1st week, works 8 hours each day on Monday through Thursday but must use one hour of annual leave or compensatory time each day to be paid for 80 hours in the pay period;
 - (ii) works 8 hours on Friday (4 hours in the 1st week and 4 hours in the 2nd week); and

(iii) during the 2nd week, works 9 hours each day on Monday through Thursday and takes Friday off.

(9) Limits on availability of alternate work schedules.

- (A) Because some operations in the County do not lend themselves to compressed work schedules or flextime, a department director may exclude employees in an organizational unit, position, or class of positions from working such schedules.
- (B) A department director may limit an employee to a particular compressed work schedule with a specified day off or to a flextime schedule with specific flex hours if the department director determines that it is consistent with operational requirements.
- (C) A department director may exclude an employee with a performance or attendance problem from working a compressed work schedule or flextime.
- (D) A supervisor may require an employee to modify an alternate work schedule temporarily to address operational requirements, workload fluctuations, or problems with the employee's performance or attendance.

(10) Withdrawal from an alternate work schedule.

- (A) An employee may withdraw from a compressed work schedule or flextime at any time.
- (B) A supervisor may require an employee to stop working a compressed work schedule or flextime if the supervisor determines that the criteria stated in (7)(F) above are not being met. The supervisor must give the employee notice and a reasonable opportunity to correct the problem.

(c) **Job Sharing.**

(1) **Employee request to job share.** When an employee wishes to job share, the employee must submit a job sharing plan to the supervisor. If 2 employees wish to share one job, they must both develop the job sharing plan. The plan should include the method of sharing job duties and hours of work for each participant.

(2) Review of job sharing plan.

(A) The supervisor must review the plan and meet with the employee or employees to discuss the plan. The supervisor should suggest any adjustments to the plan necessary to maintain the effectiveness

of the work unit. If the supervisor and employee or employees agree, they must sign a completed *Job Sharing Agreement* (Appendix J) and submit it to the department director for approval. If they cannot agree, the supervisor must submit to the department director a written summary of the areas of agreement and disagreement and a copy of the proposed plan.

- (B) A department director must review the requested job sharing arrangement under the following criteria:
 - (i) operational requirements must be met;
 - (ii) service to clients or the public must be maintained or improved;
 - (iii) each office or operation must have enough staff on duty during the normal period of public service, and
 - (iv) the arrangement must not diminish the ability of the department to assign responsibility and accountability to the job sharing employees for providing County services and performing the employees' official duties.
- (C) After reviewing the job sharing plan, the department director must:
 - (i) approve it;
 - (ii) disapprove it; or
 - (iii) suggest changes in the terms for consideration by the employee or employees and the supervisor to help them reach agreement on the plan.

The decision of the department director is final.

- (D) The department director must give a copy of the approved or disapproved plan to the employee or employees, ensure that a copy is placed in each employee's department operating file, and send a copy to the OHR Director. If the plan is not approved, the department director must give the employee or employees the reason for not approving the request.
- (3) Creation of job sharing positions and status of employee who job shares.
 - (A) If the department director approves a plan submitted by one employee, the department director must:

- (i) ask the OMB director to reduce the hours of the existing position to part-time and create a second comparable part-time position;
- (ii) fill the newly created part-time position under merit system procedures; and
- (iii) ensure that the duties of the former full-time position are divided between the 2 part-time positions.
- (B) If the department director approves a plan submitted by 2 employees, the department director must ask the OMB director to reduce the hours of the existing position to part-time and create a second comparable part-time position for the second employee.
- (C) The department director must treat the job sharing positions as part-time positions and the employees assigned to the positions as part-time employees subject to the terms and conditions of part-time employment.
- (D) If one of the job-sharing employees leaves, the department director may:
 - (i) renew the job sharing agreement and fill the vacant position under merit system procedures; or
 - (ii) dissolve the job sharing agreement and return the remaining employee to full-time status.

The decision of the department director is final.

(E) If the department director dissolves the job sharing agreement and the remaining employee refuses to return to a full-time position, the department director may abolish the part-time position and conduct a RIF under Section 30 of these Regulations.

15-5. Meal periods.

- (a) A normal workweek for a County employee must not include any meal periods.
- (b) A supervisor must not include a meal period in any computation to determine the amount of compensation or compensatory time due an employee for overtime work, unless compensation is authorized by the CAO.
- (c) The CAO may authorize a paid meal period not to exceed 30 minutes for:
 - (1) an employee assigned to work an around-the-clock shift schedule; or

(2) other groups of employees as appropriate.

15-6. General emergency; liberal leave period; modified liberal leave period.

(a) Declaration of a general emergency, liberal leave period, or modified liberal leave period.

- (1) If severe weather conditions or other emergencies occur, the County Executive or CAO must evaluate the conditions and decide whether to declare a general emergency or liberal leave period.
- (2) When deciding whether to declare a general emergency or liberal leave period, the County Executive or CAO should attempt to give employees the earliest possible notice and consider weather conditions, road conditions, service needs, school schedules, school closings, employee commuting times, and employee work schedules.
- (3) The County Executive or CAO may announce a modified liberal leave period. During a modified liberal leave period:
 - (A) a department director must maintain minimum staffing to meet service needs but should permit as many employees as possible to be on leave; and
 - (B) an employee who wants to use leave must request and obtain approval for leave in advance.

(b) Announcement of a general emergency or liberal leave period.

- (1) If the County Executive or CAO declares a general emergency or liberal leave period, the Director of the Office of Public Information must:
 - (A) inform local radio stations, such as WMAL 630 AM and WTOP 1500 AM; and
 - (B) notify the Associated Press (AP) wire service for distribution to all subscribing radio and television stations in the Washington, D.C. metropolitan area.
- (2) During severe weather or other emergency, an employee should listen to local radio and television stations for an announcement that County government offices will be closed or that a liberal leave period has been declared
- (3) If there is no announcement on local radio and television stations that County government offices are closed or that a liberal leave period has been declared, an employee should:

- (A) assume that the County is maintaining normal operating hours; and
- (B) report to work as usual.
- (4) If the County Executive or CAO declares a general emergency or liberal leave period during normal operating hours:
 - (A) the OHR Director must inform department directors; and
 - (B) department directors must then notify department employees of the general emergency or liberal leave period.

(c) **Designation of essential employees.**

- (1) The CAO must designate employees in appropriate occupational classes and positions as essential employees based on the recommendations of department directors.
- (2) The OHR Director must maintain and update as necessary the list of essential employees.
- (3) Department directors must ensure that department employees in occupations or positions that are designated as essential are informed of their designation and their responsibilities if a general emergency or liberal leave period is declared.
- (4) A department director or supervisor may designate a non-essential employee to be an essential employee during a particular general emergency period if the employee is needed to:
 - (A) provide essential services, such as snow removal or helping public safety agencies deal with the emergency; or
 - (B) perform other work that is critical to the department's mission but unrelated to the general emergency.

Under such circumstances, the County must compensate the non-essential employee as if the employee is an essential employee.

(d) Responsibilities and compensation of employees during a general emergency or liberal leave period.

- (1) The County must compensate an employee for a declared general emergency period as required by Section 10-14 of these Regulations.
- (2) The County must compensate an employee who works during a liberal leave period as required by Section 10-15 of these Regulations.

- (3) If the County Executive or CAO declares a general emergency or liberal leave period, an essential employee must report to work as scheduled.
- (4) A non-essential employee should not report to work during a declared general emergency period unless the employee's supervisor requires the employee to work.
- (5) During a liberal leave period, a supervisor must allow a non-essential employee to use leave without prior supervisory approval when reporting late, leaving work early, or not reporting for work. However, a supervisor may require a non-essential employee to work during a liberal leave period if the supervisor determines that the employee is needed to maintain minimum staffing during the normal period of public service.
- (6) An essential employee may use leave during a liberal leave period only if severe weather or another emergency causes the employee to report late or not report at all.
- (7) If a non-essential employee chooses not to report for work during a liberal leave period, the employee must notify the employee's supervisor of the employee's leave status during the employee's regularly scheduled workday.
- (8) If an employee is at work during a liberal leave period, the employee must notify the employee's supervisor before leaving work.
- (e) Leave status and compensation of employees during a local emergency. During a local emergency at one or more work locations, a department director must:
 - (1) place an employee who is scheduled but not required to be at work on administrative leave; and
 - ensure that an employee who is required to work is compensated as required by Section 10-15 of these Regulations.

(f) Role of a supervisor during severe weather or other emergencies.

- (1) A supervisor must not take adverse action against a non-essential employee who uses leave during a liberal leave period, unless the supervisor directed the employee to report to work because of service needs.
- (2) During severe weather or other emergencies when schools are closed all day, opened late, or closed early, a supervisor should:
 - (A) favorably consider a non-essential employee's request for annual leave, PTO, LWOP, or compensatory time to attend to children;

- (B) approve or disapprove a similar request for leave from an essential employee based on service needs; and
- if approving an employee's leave request, approve an amount of (C) leave that corresponds with the school schedule.

15-7. Attendance of employees.

- The CAO must establish a method to record and report leave and attendance. (a)
- (b) A County employee must maintain regular and punctual attendance at work.
- (c) An employee must be at work during scheduled work hours unless the supervisor or other authorized individual approves an absence under an established department procedure or practice.
- (d) A department director may allow an employee to work at home or at an alternate work site.

15-8. Absent without leave (AWOL).

- A department director must consider an employee to be AWOL if the employee: (a)
 - **(1)** fails to report for duty as scheduled;
 - leaves the work site prior to the end of the scheduled workday without the (2) approval of a supervisor;
 - (3) fails to notify a supervisor of an absence from work under established department procedures or practice; or
 - **(4)** obtains approval of an absence for fraudulent reasons.
- A supervisor must place an employee in a non-pay status for the period that the (b) employee is AWOL.
- (c) An employee who is AWOL for 3 consecutive workdays or longer has abandoned the employee's position. However, an employee has not abandoned the employee's position if the employee was:
 - (1) physically or mentally unable to obtain approval for the absence; or
 - (2) unable to report for work for reasons beyond the employee's control.

15-9. Disciplinary action or termination for noncompliance with attendance requirements and procedures. A department director may:

- (a) take disciplinary action against an employee who fails to observe department attendance requirements and procedures for recording and reporting of attendance.
- (b) terminate the employment of an employee who abandons the employee's position.

15-10. Appeal of disciplinary action or termination for attendance violation.

- (a) An employee with merit system status may appeal a disciplinary action or termination by filing a grievance under Section 34 of these Regulations.
 Termination and some disciplinary actions may be appealed directly to the MSPB under Section 35 of these Regulations.
- (b) A probationary or temporary employee may appeal a disciplinary action by filing a grievance under Section 34.

Editor's note – The subjects covered in this section of the Personnel Regulations are addressed for bargaining unit employees in the current collective bargaining agreements as indicated below:

Bargaining unit	Articles of current agreements with references to work schedules, attendance, and hours of work
Firefighter/Rescuer	6, Annual Leave
	7, Sick Leave
	16, Holidays
	23, Hours of Work
	24, Daily Work Schedule
	25, Reporting Time
	48, Job Sharing Program
OPT/SLT	2, Management Rights
	5, Wages, Salary and Employee Compensation
	13, Work Schedules, Attendance, Hours of Work
	16, Leave Without Pay
	20, Holiday Leave
	29, Labor Management Relations Committee (LMRC)
	Appendix IV, OPT, Department of Corrections and Rehabilitation
	Appendix VI, OPT/SLT Units, DPW&T
Police	15, Hours and Working Conditions
	27, Secondary Employment
	42, Management and Employee Rights
	43, Discipline
	55, Job Sharing Program
	63, Childcare